ENVIRONMENTAL ACTION STATEMENT SCREENING FORM FOR PROGRAMMATIC SAFE HARBOR AGREEMENT (SHA) BENEFITTING LAHONTAN CUTTHROAT TROUT ON PRIVATE LANDS

[AC1]

I. Project Information

A. Project name: Safe Harbor for Voluntary Enhancement/Restoration Activities benefiting Lahontan cutthroat trout on Private lands within the Northwest Distinct Population Segment

B. Affected species: Lahontan cutthroat trout (LCT)

C. Project size (in acres): All private lands within the Northwest Distinct Population Segment (see map) approximately 131 miles of stream.

D. Brief project description including conservation elements of the plan:

The project (Federal Action) is the issuance of an Incidental Take Permit associated with a Safe Harbor Agreement (Agreement) between the U.S. fish and Wildlife Service and the Nevada Department of Wildlife. Under the Agreement, the Permittee will enroll willing private landowners in conservation agreements to enhance recovery activities and strategies for LCT on enrolled lands while providing protection for take of LCT for the private landowner.

The Safe Harbor program encourages proactive conservation efforts by non-Federal landowners while providing them certainty that future property-use restrictions will not be imposed if those efforts attract LCT to their enrolled property or result in increased numbers or distributions of LCT already present. In return for voluntary conservation commitments, the Agreement will extend assurances to the landowner that will allow future alteration or modification of the enrolled property to its original baseline conditions. Without this cooperative government/private effort, LCT would not occupy important recovery habitats in the foreseeable future.

A large percentage of the existing LCT populations and designated recovery streams within the Northwest Distinct Population Segment (NWDPS) occur on private lands somewhere within their perennial reach. Efforts to recover this species without involving and incorporating these private lands and landowners would limit our ability to make measurable progress towards LCT recovery. Therefore, NDOW intends to enroll any private landowners in conservation agreements who are willing to allow the reintroduction or expansion of LCT within their private lands and waters. These conservation agreements will offer protections and assurances to allow for inadvertent takings of LCT for individuals who agree to provide voluntary conservation benefits to the species within their private holdings. Additionally, the enrollee may cancel an agreement at any time and return to the established baseline conditions that were present prior to enrollment.[AC2]

Conservation measures that may be implemented on enrolled properties to assist with the recovery of LCT can be as varied as the types of lands and landowner. While many possible conservation measures exist for each management action, all possible measures can not be anticipated. Each cooperator will not be expected to implement the full set of measures. The conservation measures to be implemented will be specific to each individual's baseline, habitat conditions, and management needs. The overall goal of the SHA will be to produce conservation measures that are mutually beneficial to the cooperator and the long-term existence of LCT.

Conservation measures implemented by the landowner to manage livestock grazing to meet a desired habitat goal may contain the following elements: control of stocking rates (number/density of animals per unit area), manipulation of grazing season, or changes in duration, frequency and livestock types. Other measures may include livestock exclusion fencing, off-site water development and herding strategies.

Private landowners actively farming to produce an agricultural crop will have the opportunity to implement a multitude of conservation measures to improve habitat conditions for LCT. Agricultural conservation measures could include crop selection, establishment of riparian buffer zones, and fertilizer and land disturbance (plowing and tilling) management. Manipulations in flow diversion timing, duration, and volume may be implemented, as well as runoff minimization practices.

The conservation measures associated with this Agreement will contribute, directly and/or indirectly, to recovery of LCT. Private lands comprise only a small portion of the stream habitats within the recovery stream systems. However, LCT use private land areas to access many miles of publicly-owned stream habitats. These private lands encompass streams needed for isolated populations as well as networked populations. Currently, LCT are only found in isolated streams on public lands because private landowners are reluctant to participate in activities that will benefit LCT due to fear of regulatory impacts from having a threatened species on their land. Having landowners participate in this Agreement will open areas to reintroduction, expansion, and preservation of LCT populations needed to ensure the genetic viability of the species. It will also help to implement networked populations and increase numbers of LCT for use in stocking networked populations. Private lands will be needed for LCT spawning areas, migration corridors, and healthy population dynamics within the networked areas.

Implementation of this Agreement is expected to result in increased numbers of LCT or amount of habitat. If all the landowners return their property to baseline conditions after 30 years, which is not expected, populations will still exist within public lands that have become linked due to conservation activities, and in private lands that serve as migration corridors, spawning habitat, and overwintering habitat. Isolated populations that were part of the baseline will have been utilized for repopulating the networked areas, and will still exist. They will no longer need to be tapped for species recovery in other areas, and therefore will be more stable. Delisting of LCT within this DPS may be realized during the 30 year permit timeline, depending on how quickly landowners sign up, habitat conditions stabilize, and LCT numbers increase.

II. Does the SHA fit the criteria as described in the SHA policy (meet the standard of "net conservation benefit" and contribute to recovery)?

Yes, the Agreement follows the Service's Safe Harbor Agreement final policy and regulations. The SHA enhances both the reintroduction and recovery of LCT by encouraging private landowners to voluntarily create, enhance, maintain, or restore LCT habitat. Recovery of LCT is highly dependent on networked populations. Networked populations use interconnected streams through with they can move freely. Enrolling private landowners and their lands creates opportunities for LCT to utilize private lands and adjacent federal lands currently unavailable to them. The potential private lands contribute approximately 131 miles of stream habitat and create opportunities for utilizing over 500 additional stream miles. Once LCT are established within networked populations, recovery will be achieved more quickly.

A. Are the effects of the SHA less than significant to the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA?

Yes. The proposed SHA will not affect any other listed or candidate species.

B. Are the effects of the SHA minor or negligible to other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)?

Yes. These effects are expected to be minor or negligible.

Effects to air quality and quantity are expected be negligible or minor because livestock, agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

Effects to geology and soils are expected to be minor since livestock agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Additionally, streambank stability is expected to improve in areas that undergo riparian restoration.

Effects to water quality and quantity are expected to be minor or negligible because livestock, agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Improvement to water quality and quantity is expected in areas identified for conservation actions to improve stream form, function, or riparian vegetation.

Socio-economic resource effects from approval of the SHA are expected to be negligible because livestock agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

Impacts to historic and cultural resources are expected to be negligible because livestock agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

Effects to recreation are expected to be negligible since the proposed action is restricted to private lands and these lands are not open to public recreation. In addition, livestock agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

Effects to visual resources are expected to be negligible because livestock agricultural

management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

C. Would the impacts of this SHA, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, <u>not</u> result, over time, in cumulative effects to environmental values or resources that would be considered significant?

No significant cumulative effects are expected to occur as a result of the Agreement and issuance of the permit. Although beneficial effects to both LCT habitat and populations are expected because of activities being permitted, these effects will only occur on private lands. The amount of private lands within the DPS is negligible in comparison to the public lands. The amount of public land that will be opened up to LCT from reintroductions into the private lands will boost recovery of the species. Federal regulations, such as section 7 consultation, NEPA, etc., will apply on public lands.[AC3]

III. Do any of the exceptions to categorical exclusions apply to this SHA? (from 516 DM 2.3, Appendix 2)

There are no exceptions to categorical exclusions that apply to this SHA.

Would implementation of the SHA:

A. Have significant adverse effects on public health or safety?

No. Livestock agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. There are no historic or cultural resources, parks, registered National Landmarks, recreation or refuge lands wild or scenic rivers, or prime farmlands known to occur on the private lands included in this SHA. Although some of the private land parcels fall within a National Conservation and Wilderness Area, formal section 7 and NEPA have been conducted on this action and it was not found to have a significant impact. Additionally, livestock agricultural management actions, other land uses and associated maintenance on the private are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

C. Have highly controversial environmental effects?

No. Given the small project area with minor or negligible impacts to all resources, there is no scientific controversy over environmental effects.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No, the proposed management and conservation activities within the SHA are routine and common for this area and would have minor or negligible effects. Therefore, approval of the

SHA would not have highly uncertain or potentially significant environmental effects or involve unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions would be reviewed on their own merits for meeting requirements under the Endangered Species Act, its implementing regulations and other laws. Effects from approval of the SHA are minor or negligible, therefore approval of the SHA would not represent a decision in principle about future actions with potentially significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. Approval and implementation of the SHA is not directly related to other actions with significant cumulative environmental effects.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No, the amount of land that may be impacted by SHA activities is very small compared to the amount of land found within the NWDPS area because it affects only riparian miles privately owned. Additionally most of the activities being implemented under the SHA are not land disturbance activities. Lastly NDOW, the Permit holder, has the expertise and training to conduct surveys to determine compliance with National Historic Preservation Act.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No, there is no designated Critical Habitat for LCT and all activities are designed to improve habitat or the existing population.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. Potential effects from implementing this SHA are not expected to have any adverse effects on wetlands or floodplains and no activities associated with the SHA are considered to be a water development project.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. Approval of the SHA will be accordance with all applicable laws. A specific condition of the permit will be that it be carried out in accordance with all applicable federal, state, or local laws.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Safe Harbor for Voluntary Enhancement/Restoration Activities benefiting Lahontan cutthroat trout on Private lands within the Northwest Distinct Population Segment Project meets the qualifications for implementation of a Safe Harbor Agreement that represents a class of actions that do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents (list): Safe Harbor Agreement.

Concurrence:

_____ _____

(1) Field Supervisor Date

_____ _____

(2) ARD - Ecological Services Date